



Board of Selectmen Meeting

Monday, November 5, 2018 7:00 PM

36 Bartlet Street, Andover, MA 01810

Selectmen's Conference Room

RECEIVED
TOWN CLERK'S OFFICE

2018 NOV -1 P 2:58

TOWN OF ANDOVER, MASS

- I. Call to Order – 7:00 P.M.
- II. Opening Ceremonies – 7:05 P.M.
 - A. Moment of Silence/Pledge of Allegiance
- III. Communications/Announcements/Liaison Reports – 7:10 P.M.
- IV. Citizens Petitions and Presentations – 7:15 P.M.
- V. Regular Business of the Board
 - A. Gas Disaster Update – (15 minutes)
Board to receive an update on the Gas Disaster
 - B. Bond and Bond Anticipation Note (BAN) Sale – (10 minutes)
Board to consider voting to approve a Bond and Bond Anticipation Note (BAN) sale
 - C. Special Town Meeting – (15 minutes)
Board to discuss Ballardvale Fire Station project, consider opening and closing the warrant, and review and consider voting on warrant article(s)
 - D. 2019 Fall Town Meeting – (15 minutes)
Board to discuss and consider voting to hold an annual Fall Town Meeting for Zoning related articles
 - E. Cable Funding – (10 minutes)
Board to consider signing a letter to the FCC in support of AndoverTV services and the benefits that come from franchise fees, community (PEG) and local municipal control over franchise agreements
 - F. Monarch Woods Subdivision Easement – (10 minutes)
Board to consider voting to accept title to the easement over the drainage lot for purposes of accessing the open space parcel in the Monarch Woods subdivision
 - G. Fleming Avenue Subdivision Easements and Parcels – (10 minutes)
Board to consider voting to approve the recommendation to accept title to the easements and Parcels in the Fleming Avenue subdivision

H. Electronic Voting Study Committee – (10 minutes)

Town Moderator Sheila Doherty to provide an update to the Board on the work of the Electronic Voting Study Committee

VI. Consent Agenda

A. Appointments by the Town Manager

That the following appointments by the Town Manager be approved:

Department	Name	Position	Rate/Term	Date of Hire
Veteran Services	Mark Comeiro	Director of Veteran Services	\$76,104.59	11/13/18
Recreation	Elizabeth Pendleton	Kid Care Assistant Group Leader	\$12.00/hr	10/15/18
Recreation	Shannen Styrzula	Kid Care Assistant Group Leader	\$25.00/hr	11/19/18
Recreation	Shea Krekorian	Bob French Scorekeeper	\$10.25/hr	12/1/18
Recreation	AJ Heidtke	Bob French Scorekeeper	\$10.25/hr	12/1/18
Recreation	Adam DiIorio	Bradford Monitor	\$11.00/hr	1/3/19
Recreation	Dennis Tavares	Bradford Monitor	\$11.00/hr	1/3/19
Community Development & Planning	Joseph Bragg	Alternate Electrical Inspector	\$40.00/hr	10/29/18
Community Development & Planning	Joseph Elkhoury	Alternate Electrical Inspector	\$40.00/hr	10/29/18
Department of Public Works – Park & Grounds	Matthew Byrne	Seasonal Laborer	\$18.00/hr	10/29/18
Facilities	Martial Jean Pierre	Security Guard	\$21.47/hr	11/10/18

VII. 2019 Board of Selectmen Meetings

Board to consider voting to accept the 2019 Board of Selectmen meeting schedule:

January 14, January 28, February 11, February 25, March 11, March 25, April 8, April 22, May 6, May 20, June 3, June 17, July 1, July 15, July 29, August 12, August 26, September 9, September 23, October 7, October 21, November 4, November 18, December 2, December 16, December 30

VIII. Approval of Minutes

Board to consider approving minutes from the following meetings: October 1, 2018.

IX. Adjourn

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact the Town Manager's Office at 978-623-8210 or by email at manager@andoverma.gov.

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Andover, Massachusetts (the "Town"), certify that at a meeting of the board held November 5, 2018, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Further Voted: that the maximum useful life of the public works vehicles listed below to be financed with the proceeds of the \$450,000 borrowing authorized by the vote of the Town passed May 2, 2017 (Article 41) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
freightliner	\$226,575	20 Years
large vehicles	\$145,000	10 Years
sidewalk plow and dump truck	\$ 78,425	10 Years

Further Voted: that the sale of the \$15,425,000 General Obligation Municipal Purpose Loan of 2018 Bonds of the Town dated November 15, 2018 (the "Bonds"), to UMB Bank, N.A. at the price of \$16,501,222.15 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on November 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2019	\$555,000	5.00%	2030	\$ 530,000	4.00%
2020	675,000	5.00	2031	535,000	4.00
2021	685,000	5.00	2032	545,000	4.00
2022	685,000	5.00	2033	560,000	4.00
2023	685,000	5.00	2034	455,000	4.00
2024	680,000	5.00	2035	465,000	4.00
2025	675,000	5.00	2036	480,000	4.00
2026	685,000	5.00	2037	485,000	4.00
2027	695,000	5.00	2038	490,000	4.00
2028	625,000	5.00	2043	1,810,000	4.00
2029	515,000	5.00	2048	1,910,000	4.00

Further Voted: that the Bonds maturing on November 15, 2043 and November 15, 2048 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due November 15, 2043

<u>Year</u>	<u>Amount</u>
2039	\$335,000
2040	350,000
2041	360,000
2042	375,000
2043*	390,000

Term Bond due November 15, 2048

<u>Year</u>	<u>Amount</u>
2044	\$405,000
2045	425,000
2046	445,000
2047	460,000
2048*	175,000

*Final Maturity

Further Voted: to approve the sale of the \$160,000 2.40 percent General Obligation Bond Anticipation Notes of the Town dated November 16, 2018, and payable May 16, 2019 (the "Notes"), to Century Bank and Trust Company at par and accrued interest, if any.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 24, 2018, and a final Official Statement dated October 31, 2018 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 24, 2018, and a final Official Statement dated October 31, 2018, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the

Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: November 5, 2018

Clerk of the Board of Selectmen

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF THE TOWN OF ANDOVER, MASSACHUSETTS

The Select Board of the Town of Andover, Massachusetts, acting as issuing authority over licenses granted to Comcast & Verizon, strongly oppose the proposed rulemaking referenced above. If adopted, these rules will negatively impact local control over rights of way and will cause irreparable harm to a thriving community media presence in the Town.

As stated, Andover is currently under contract with both Comcast and Verizon for cable services. These licenses both expire in 2027 and 2024 respectively. Of Andover's population of over 35,000 there are just over 12,000 cable subscribers – that is nearly 90% of all households. The Town currently benefits from receiving 5% of gross annual revenue from Verizon and 5% of gross annual revenue from Comcast. These funds are vital to the operation of Andover's designated access corporation – Andover Community Access & Media Inc. (AndoverTV) as well as for the fiber infrastructure in town that makes their live broadcasts possible.

AndoverTV is a non-profit, membership-based organization founded in 2008 to provide cable related services and access to technology in the town. This organization has trained hundreds of community members over the years in the art of video / multimedia production and

has fostered the production of hundreds of thousands of hours of local content. AndoverTV is extremely active within the public-school system, working closely with High school students, teachers and specialists across the district. They provide equipment and a state of the art studio at the high school in which to learn media production. The high school video classes that AndoverTV supports enrolls over 250 students each year alone. That doesn't include the countless opportunities that AndoverTV provides through their community media outreach and classes. The organization is also responsible for providing accessibility to government operation through coverage of Town Meetings, Elections and many municipal meetings. In FY '17 AndoverTV staffed, broadcast and live streamed over 250 municipal meetings and special events for the residents of Andover. This coverage is vital as far as providing transparency and communication between the residents and government of Andover. AndoverTV also maintains and adds daily to a high definition "VOD" or video on demand website containing every piece of video, both community and municipal, that has been produced since 2008. Reduction in franchise fees would cripple the operation of this organization and undermine its mission. The FCC is attempting to disrupt long-standing local control over privately negotiated contracts without jurisdiction or understanding of the negative impact. The Town of Andover views public access television not as a luxury, but a necessity in the fabric of the town. Non-profits, schools, government departments and residents utilize the services of AndoverTV on a daily basis. The dissemination of emergency information, access to local government meetings and hearings, helping students to prepare for future education and career opportunities – these are not frivolous activities in the opinion of this body. These are tasks performed every day by AndoverTV and the Town can ill afford to lose that service.

Respectfully, the Commission has concluded inaccurately that that monies and services returned to the Town are for the benefit of the municipality when it is far more appropriate to classify these as benefits to the community. Public rights of way are public property and the public should be compensated for their use. Since cable subscribers are already required to pay franchise related costs, these rule changes would reduce their rights and benefits in a time of increasing subscription cost.

Andover also desires to retain the right to have input on the placement of equipment such as small cells, in an effort to safeguard the health and beauty of the Town. Massachusetts has long cherished the notion of local franchising for cable related services because each municipality is unique. The FNPRM disregards this belief and allows cable companies to make decisions from afar that may well impact the quality of life in Andover.

In a time where locally produced media is quickly disappearing, the local community media center provides irreplaceable service to the city or town it serves. That city or town should retain the right to determine what is beneficial to its residents. The Second Further Notice of Proposed Rulemaking by the FCC is a benefit to multi-billion dollar corporations and a great loss to the Town of Andover and its residents. As the franchise issuing authority, we officially submit this statement of opposition in the sincere hope that these rules shall not be enacted.

Respectfully submitted,

Alexander J. Vispoli
Chair, Board of Selectmen

Laura M. Gregory
Vice Chair, Board of Selectmen

Christian C. Huntress
Secretary, Board of Selectmen

Paul J. Salafia
Selectmen

Ann W. Gilbert
Selectwoman

DRAFT

the law office of
Kathryn M. Morin, LLC

Kathryn M. Morin - MA, NH, ME
Bethany J. Raffa - MA, NH

October 29, 2018

Board of Selectmen
Town of Andover
36 Bartlet Street
Andover, MA 01810

Re: Monarch Woods Subdivision Easement
Acceptance of Conveyance by Town of Andover

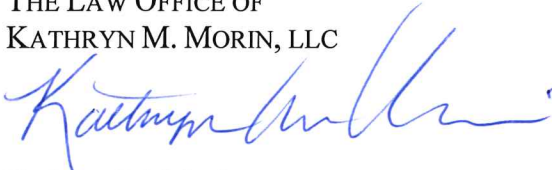
Dear Chairman Vispoli and Board Members:

I represent Twin Birch Development, LLC, the developer of the Monarch Woods subdivision. I have been working with Attorney Carol McGravey relative to the pedestrian access easement over the drainage lot for purposes of accessing the open space parcel in the subdivision. Attorney McGravey has approved the form of easement grant and has reviewed and accepted the information in the Title Certification, both enclosed. Please accept this letter as a request on behalf of Twin Birch Development, LLC for the Board of Selectmen to consider and vote whether to accept title to the easement at the Board's next meeting.

In support of this request, enclosed are the original, signed conveyance document and an updated Title Certification as requested by Attorney McGravey. I also enclose copies of the Municipal Lien Certificates indicating all taxes on affected parcels have been paid to date.

Please let me know if you have any questions. Thank you very much.

THE LAW OFFICE OF
KATHRYN M. MORIN, LLC



Kathryn M. Morin
KMM:i

Enclosures as noted

Cc: Attorney Carol McGravey, via email
Mr. D. Kindred, via email

Property Address: Pedestrian Access Easement, Monarch Lane, Andover, MA 01810

(Space Above this Line Reserved for Registry of Deeds)

EASEMENT

Twin Birch Development, LLC, a Massachusetts limited liability company having an address of 14 Lorraine Avenue, North Andover, MA 01845

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

grants to the Inhabitants of the Town of Andover, a Massachusetts municipality, having an address of 36 Bartlet Street, Andover, MA 01810

with Quitclaim Covenants

A non-exclusive pedestrian access easement over, under, across and through that certain parcel of land located on Monarch Lane, off Ballardvale Road, Andover, Essex County, Massachusetts, being the Drainage Lot, so-called, being Lot 136 on a plan entitled "Plan of Land in Andover, Mass." Record Owners: Twin Birch Development, LLC and Dana C. Scholtz & Anne Mattison, dated May 14, 2018, and filed with the Land Court as Plan No. 10362N, for access to the Open Space parcel of land located westerly of the Drainage Lot. The Open Space Parcel is partially registered and partially recorded, and includes Land Court Lot 140 and the parcel designated "Open Space" on subdivision plan recorded as Plan Number 17784.

There is conveyed herewith the non-exclusive right to use Monarch Lane as shown on Plan No. 10362N for pedestrian access to and from the Drainage Lot, in common with the rights of all others, now and in the future, in Monarch Lane.

The premises hereby conveyed and the Open Space parcel are a portion of the same premises described in deed to grantor dated June 6, 2018, recorded in the Essex North District Registry of Deeds at Book 15504, Page 126, and filed with the Registered Land Department as Document Number 118,070, Certificate of Title Number 17980.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the grantor Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Deed, the undersigned further certifies that he is named in the Operating Agreement and Certificate of Organization as one of the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes him to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 02 day of October, 2018.

TWIN BIRCH DEVELOPMENT, LLC



By: David Kindred
Its: Manager/Authorized RE Signatory

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 02 day of October, 2018, before me, the undersigned Notary Public, personally appeared David Kindred, Manager/Authorized Real Estate Signatory of Twin Birch Development, LLC, proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and that he has the authority to sign in that capacity.




Notary Public
My Commission Expires: 4/12/2024

Acceptance by Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

the law office of
Kathryn M. Morin, LLC

Kathryn M. Morin - MA, NH, ME
Bethany J. Raffa - MA, NH

October 29, 2018

TITLE CERTIFICATION

TO: Town of Andover
36 Bartlet Street
Andover, MA 01810

ADDRESS of PROPERTY: Access Easement over Drainage Lot
Monarch Woods Subdivision
Off Ballardvale Road
Andover, Essex County, Massachusetts

I certify that I have examined or caused to be examined the records of the Essex North District Registry of Deeds and Land Court Records and the pertinent Probate Court Records, all as correctly indexed, which relate to the above property, which property is more particularly described in a proposed easement deed to Town of Andover ("Deed"), a copy of which is attached hereto as Exhibit A ("Property").

I certify that following filing with the Land Court Department at the Essex North District Registry of Deeds of the following documents, the Town of Andover will hold good and sufficient record title free from all encumbrances to the Property excepting only those items enumerated below. The documents to be filed are:

1. Subordination of Construction Mortgage, Security Agreement, and Assignment from Twin Birch Development, LLC to Salem Five Cents Savings Bank, dated June 6, 2018, filed as Document Number 118,075 and associated Collateral Assignment of Leases and Rents from Twin Birch Development, LLC to Salem Five Cents Savings Bank, dated June 6, 2018, filed as Document Number 118,076;
2. Subordination of Commercial Real Estate Mortgage and Security Agreement (Junior Mortgage) from Twin Birch Development, LLC to Anne Mattison dated June 6, 2018, filed as Document Number 118,077;
3. Subordination of Junior Mortgage from Twin Birch Development, LLC to Daniel Kindred dated June 6, 2018, filed as Document Number 118,079;
4. Certificate of Good Standing for Twin Birch Development, LLC;
5. Certificate of Limited Liability Company (manager's certificate) for Twin Birch Development, LLC; and
6. Easement deed conveying the Property to the Town of Andover.

This certification is subject to:

General Exceptions

1. Matters not of record in said Registries of Deeds and Probate as indexed, including without limitation, those encumbrances referred to in GL c. 185 §46;
2. Real estate taxes which are not yet due and payable and other real estate taxes and other municipal assessments and liens which are not a matter of record in said Registry of Deeds and any matters which should have been shown on any Certificate of Municipal Liens issued in connection with this transaction;
3. Any matter of bankruptcy or insolvency, or other debtor relief, that does not clearly appear in the indices at the said Registry of Deeds;
4. Any law, ordinance, bylaw, or other governmental regulation affecting, restricting, prohibiting, or otherwise regulating the occupancy, use or enjoyment of the Property, the character, dimensions, or location of any present or future improvement now existing or hereafter planned for the Property, or a separation in ownership or change in dimensions or area of the Property(including, without limitation, Zoning Laws, State and Local Building Code, Wetlands Protection Act, local Conservation Codes, Subdivision Control Laws, Lead Paint Laws, health laws, sewage disposal laws, historic district, and pollution control laws);
5. The records searched include the records of the relevant but abolished County Registry of Deeds and the records of the state transferee agency having custody of land records for the municipality in which the property is located to the end date and time covered by this certification as noted elsewhere herein.

Special Exceptions

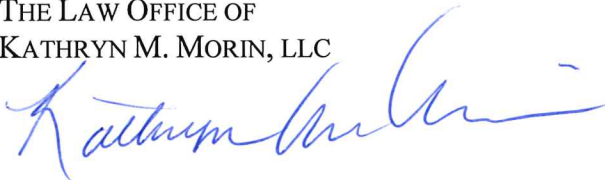
6. Fee interest in and rights of others to use Monarch Lane for access and egress to the Drainage Lot.
7. Andover Planning Board restriction regarding Monarch Woods, filed as Document Number 118,071, noted on Certificate of Title No. 17890.
8. Decision of the Andover Planning Board for a Special Permit for Cluster Development, filed as Document Number 118,072, noted on Certificate of Title No. 17890.
9. Decision of the Andover Planning Board for a Special Permit for Earth Movement, filed as Document Number 118,073, noted on Certificate of Title No. 17890.

10. Declaration of Covenants dated June 6, 2018, filed as Document Number 118,074, noted on Certificate of Title No. 17890.
11. Grant of Easement to Massachusetts Electric Company dated June 8, 2018, filed as Document Number 118,098, noted on Certificate of Title No. 17890.
12. Declaration of Monarch Woods Subdivision Homeowners' Association, dated June 22, 2018, filed as Document Number 118,192, noted on Certificate of Title No. 17890.
13. Grant of Easement to Bay State Gas Company d/b/a Columbia Gas of Massachusetts, dated August 31, 2018, filed as Document Number 118,696, noted on Certificate of Title No. 17890.

My examination of title was confined to the Indices of said Registry of Deeds, both registered and recorded, and to the documents noted in said Indices as affecting the premises. The examination covered a period of at least fifty (50) years with the earliest instrument a warranty or quitclaim deed, which on its face does not suggest a defect in said title, and ended on October 26, 2018, at the end of the recording day.

LIMITATION: The foregoing Certification of Title is specifically addressed to the Town of Andover and relates only to the Property herein described. This Certification is not intended for the benefit of any other party and may be relied upon by no party other than that to whom it is addressed. Liability hereunder is limited to the fair market value of the Property described herein.

THE LAW OFFICE OF
KATHRYN M. MORIN, LLC



Kathryn M. Morin
KMM/i

Exhibit A – Proposed Easement

EXHIBIT A

(Space Above this Line Reserved for Registry of Deeds)

EASEMENT

Twin Birch Development, LLC, a Massachusetts limited liability company having an address of 14 Lorraine Avenue, North Andover, MA 01845

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

grants to the Inhabitants of the Town of Andover, a Massachusetts municipality, having an address of 36 Bartlet Street, Andover, MA 01810

with Quitclaim Covenants

A non-exclusive pedestrian access easement over, under, across and through that certain parcel of land located on Monarch Lane, off Ballardvale Road, Andover, Essex County, Massachusetts, being the Drainage Lot, so-called, being Lot 136 on a plan entitled "Plan of Land in Andover, Mass." Record Owners: Twin Birch Development, LLC and Dana C. Scholtz & Anne Mattison, dated May 14, 2018, and filed with the Land Court as Plan No. 10362N, for access to the Open Space parcel of land located westerly of the Drainage Lot. The Open Space Parcel is partially registered and partially recorded, and includes Land Court Lot 140 and the parcel designated "Open Space" on subdivision plan recorded as Plan Number 17784.

There is conveyed herewith the non-exclusive right to use Monarch Lane as shown on Plan No. 10362N for pedestrian access to and from the Drainage Lot, in common with the rights of all others, now and in the future, in Monarch Lane.

The premises hereby conveyed and the Open Space parcel are a portion of the same premises described in deed to grantor dated June 6, 2018, recorded in the Essex North District Registry of Deeds at Book 15504, Page 126, and filed with the Registered Land Department as Document Number 118,070, Certificate of Title Number 17980.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

Property Address: Pedestrian Access Easement, Monarch Lane, Andover, MA 01810

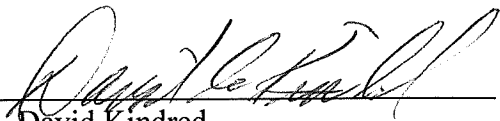
This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the grantor Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Deed, the undersigned further certifies that he is named in the Operating Agreement and Certificate of Organization as one of the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes him to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 02 day of October, 2018.

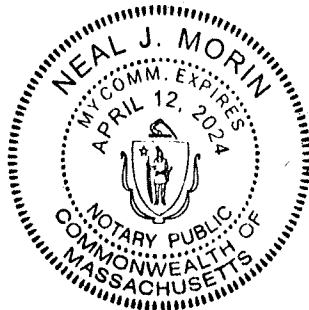
TWIN BIRCH DEVELOPMENT, LLC



By: David Kindred
Its: Manager/Authorized RE Signatory

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 02 day of October, 2018, before me, the undersigned Notary Public, personally appeared David Kindred, Manager/Authorized Real Estate Signatory of Twin Birch Development, LLC, proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and that he has the authority to sign in that capacity.




Notary Public
My Commission Expires: 4/12/2024

Acceptance by Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Office of the Collector of Taxes
(978) 623-8940



Municipal Lien Certificate
Town of Andover
Commonwealth of Massachusetts

Certificate No. 8789
Issuance Date: 10/15/2018

Requested By **LAW OFFICE OF KATHRYN M. MORIN, LLC**
68 MAIN ST
ANDOVER MA 01810

COPY

I hereby certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 10/09/2018 are listed below.

DESCRIPTION OF PROPERTY

Location: 110 BALLARDVALE RD
Parcel ID: 119-2940-00000
Owner: SCHOLTZ DANA C
MATTISON ANNE TE
149 ANDOVER ST #11
ANDOVER MA 01810

Deed Date: 06/07/2018
Book/Page: 15504/126
Land Area: 10.35 AC
Land Value: 137,400
Build Value: 19,500

Impr Value:
Land Use: 101 ONE FAMILY
Exemptions:
Taxable Value: 156,900

REAL ESTATE BILLS

YEAR 2019 CHARGES

RESIDENTIAL REAL ESTATE TAX 5,541.25

YEAR 2018 CHARGES

RESIDENTIAL REAL ESTATE TAX 7,873.18

YEAR 2017 CHARGES

RESIDENTIAL REAL ESTATE TAX 7,532.32

TOTAL BILLED			5,541.25
Issue Date	Amount Billed	Balance Due	
1 06/22/2018	2,770.63	.00	
2 09/22/2018	2,770.62	.00	
3 12/22/2018		.00	
4 03/22/2019		.00	
Charges/Fees		.00	
Abatements/Exemptions		.00	
Payments/Credits	5,541.25		
Interest as of 10/15/2018		.00	
BALANCE DUE AS OF 10/15/2018		.00	

TOTAL BILLED			7,873.18
Issue Date	Amount Billed	Balance Due	
1 06/22/2017	1,883.08	.00	
2 09/22/2017	1,883.08	.00	
3 12/22/2017	2,053.51	.00	
4 03/22/2018	2,053.51	.00	
Charges/Fees		.00	
Abatements/Exemptions		.00	
Payments/Credits	7,873.18		
Interest as of 10/15/2018		.00	
BALANCE DUE AS OF 10/15/2018		.00	

TOTAL BILLED			7,532.32
Issue Date	Amount Billed	Balance Due	
1 07/01/2016	1,839.91	.00	
2 10/01/2016	1,839.90	.00	
3 12/20/2016	1,926.26	.00	
4 04/01/2017	1,926.25	.00	
Charges/Fees		.00	
Abatements/Exemptions		.00	
Payments/Credits	7,532.32		
Interest as of 10/15/2018		.00	
BALANCE DUE AS OF 10/15/2018		.00	

TAX TITLE

AMOUNT OUTSTANDING

0.00

INTEREST

0.00

TOTAL TAX TITLE BALANCE

0.00

DEFERRALS

DEFERRAL AMOUNT OUTSTANDING

0.00

OTHER UNPAID BALANCES

Type	Amount	Type	Amount
------	--------	------	--------

GRAND TOTAL DUE:

GRAND TOTAL INTEREST PER DIEM:

WATER BALANCE DUE \$00.00 AS OF 10/15/18. INTEREST TO BE ADDED TO ALL PAST DUE AND TAX TITLE AMOUNTS.

Michael Morse
Treasurer/Collector

Office of the Collector of Taxes
(978) 623-8940



Municipal Lien Certificate
Town of Andover
Commonwealth of Massachusetts

Certificate No. 8790
Issuance Date: 10/15/2018

Requested By **LAW OFFICE OF KATHRYN M. MORIN, LLC**
68 MAIN STREET
ANDOVER MA 01810

COPY

I hereby certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on **10/15/2018** are listed below.

DESCRIPTION OF PROPERTY

Location: 112 BALLARDVALE RD	Deed Date: 06/07/2018	
Parcel ID: 119-2950-00000	Book/Page: 17980/	Impr Value:
Owner: SCHOLTZ DANA C	Land Area: 30,099 SF	Land Use: 130 DEVELOPABLE LAND
MATTISON ANNE TE	Land Value: 299,200	Exemptions:
149 ANDOVER ST #11	Build Value:	Taxable Value: 299,200
ANDOVER MA 01810		

REAL ESTATE BILLS

YEAR 2019 CHARGES				YEAR 2018 CHARGES				YEAR 2017 CHARGES			
RESIDENTIAL REAL ESTATE TAX	2,339.74			RESIDENTIAL REAL ESTATE TAX	6,329.51			RESIDENTIAL REAL ESTATE TAX	6,044.68		
				SEWER BETTERMENT COMM INTEREST	916.89			SEWER BETTERMENT COMM INTEREST	916.89		
TOTAL BILLED	2,339.74			TOTAL BILLED	7,246.40			TOTAL BILLED	6,961.57		
Issue Date	Amount Billed	Balance Due		Issue Date	Amount Billed	Balance Due		Issue Date	Amount Billed	Balance Due	
1 06/22/2018	1,169.87	.00		1 06/22/2017	1,740.40	.00		1 07/01/2016	1,704.56	.00	
2 09/22/2018	1,169.87	.00		2 09/22/2017	1,740.39	.00		2 10/01/2016	1,704.55	.00	
3 12/22/2018		.00		3 12/22/2017	1,882.81	.00		3 12/20/2016	1,776.23	.00	
4 03/22/2019		.00		4 03/22/2018	1,882.80	.00		4 04/01/2017	1,776.23	.00	
Charges/Fees		.00		Charges/Fees		.00		Charges/Fees		.00	
Abatements/Exemptions		.00		Abatements/Exemptions		.00		Abatements/Exemptions		.00	
Payments/Credits	2,339.74			Payments/Credits	7,246.40			Payments/Credits	6,961.57		
Interest as of 10/15/2018		.00		Interest as of 10/15/2018		.00		Interest as of 10/15/2018		.00	
BALANCE DUE AS OF 10/15/2018		.00		BALANCE DUE AS OF 10/15/2018		.00		BALANCE DUE AS OF 10/15/2018		.00	

TAX TITLE

AMOUNT OUTSTANDING	INTEREST	TOTAL TAX TITLE BALANCE
0.00	0.00	0.00

DEFERRALS

DEFERRAL AMOUNT OUTSTANDING
0.00

OTHER UNPAID BALANCES

Type	Amount	Type	Amount
------	--------	------	--------

GRAND TOTAL DUE:

GRAND TOTAL INTEREST PER DIEM:

WATER BALANCE DUE \$00.00 AS OF 10/15/18. INTEREST TO BE ADDED TO ALL PAST DUE AND TAX TITLE AMOUNTS.

Michael Morse
Treasurer/Collector

the law office of
Kathryn M. Morin, LLC

Kathryn M. Morin - MA, NH, ME
Bethany J. Raffa - MA, NH

October 11, 2018

Board of Selectmen
Town of Andover
36 Bartlet Street
Andover, MA 01810

Re: Fleming Avenue Subdivision Easements and Parcels
Acceptance of Conveyances by Town of Andover

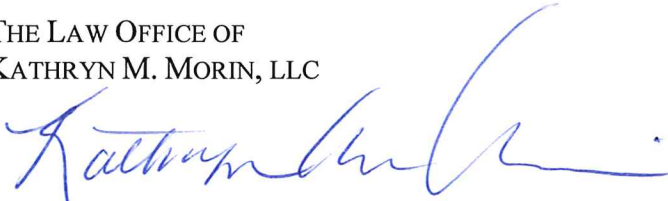
Dear Chairman Vispoli and Board Members:

I represent Fleming Avenue Andover, LLC, the developer of the Fleming Avenue subdivision. I have been working with Attorney Carol McGravey relative to parcels and easements in that subdivision designated to be conveyed to the Conservation Commission. The conveyances were accepted by the Conservation Commission on October 2, 2018. Please accept this letter as a renewed request on behalf of Fleming Avenue Andover, LLC for the Board of Selectmen to consider and vote whether to accept title to the easements and Parcels at the Board's next meeting.

In support of this request, enclosed are copies of the Conservation Commission signed conveyance documents and updated Title Certifications as requested by Attorney McGravey. I also enclose copies of the Municipal Lien Certificates indicating all taxes relative to the interests being conveyed have been paid to date.

Please let me know if you have any questions. Thank you very much.

THE LAW OFFICE OF
KATHRYN M. MORIN, LLC



Kathryn M. Morin
KMM:i

Enclosures as noted

Cc: Attorney Carol McGravey via email
Mr. G Hughes/Mr. D Ahern via email

(Space Above this Line Reserved for Registry of Deeds)

EASEMENT

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, c/o Conservation Commission, Town of Andover, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

A non-exclusive pedestrian-only public access easement over and across those three certain parcels of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel B, Parcel C, and Parcel D on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts the parcels hereby conveyed; there is conveyed herewith the right to pass and repass and use Fleming Avenue for access to Parcel B, Parcel C, and Parcel D.

The purpose of the easement hereby created is to provide pedestrian-only access to Parcel E as shown on the Plan. Parcel B, Parcel C, and Parcel D are subject to a non-exclusive access easement for the benefit of the Town of Andover, acting by and through its Conservation Commission, pursuant to a deed recorded herewith and hereafter, which rights are specifically reserved to the Grantor. Parcel D shall be subject to a Trail Easement to be recorded hereafter, which Trail Easement rights are hereby specifically reserved. The access easement rights over and across Parcel B, Parcel C, and Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

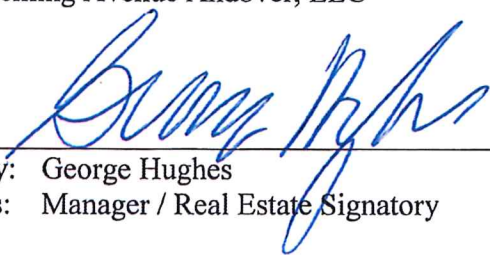
This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC


By: George Hughes
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.


On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.


Notary Public
My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

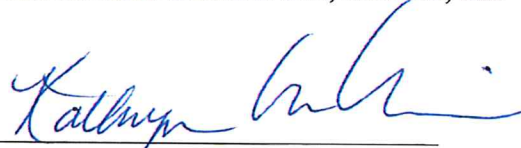
Fleming Avenue Andover, LLC


By: Douglas Ahern
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

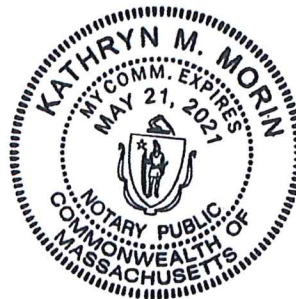
ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



Notary Public

My Commission Expires: 21 May 21



Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

D. D. Cooper
70238
Kevin J. Porter
[Signature]
Floyd Greenwood
Alexandra Driscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jan Hanea, Floyd Greenwood and Alexandra Driscoll

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Property Address: Parcels E and F, Fleming Avenue, Andover, MA 01810

(Space Above this Line Reserved for Registry of Deeds)

QUITCLAIM DEED

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

Those two certain parcels of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel E and Parcel F on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

Parcel E contains 167,008 SF (3.834 acres) of land according to the Plan.

Parcel F contains 97,366 SF (2.235 acres) of land according to the Plan.

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts the parcels hereby conveyed; there is conveyed herewith the right to pass and repass and use Fleming Avenue for access to Parcel E and Parcel F.

There is conveyed herewith a non-exclusive access easement to Parcel E over and across Parcel B, Parcel C, and Parcel D as shown on the Plan. Parcel B, Parcel C, and Parcel D are subject to a public pedestrian access easement recorded herewith and prior hereto. Parcel D shall be subject to a Trail Easement to be recorded immediately hereafter. The access easement rights over and across Parcel B, Parcel C, and Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

Said real property is hereby conveyed to Grantee under the provisions of Massachusetts General Laws Chapter 40, Section 8C to be managed and controlled by the Conservation Commission of the Town of Andover, Massachusetts for the promotion and development of the natural resources and for the protection of the watershed resources of the Town of Andover, Massachusetts.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.


This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

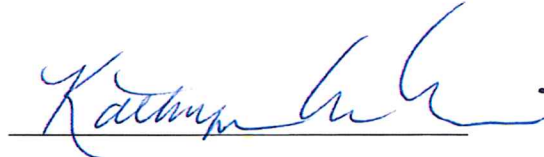
Fleming Avenue Andover, LLC


By: George Hughes
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



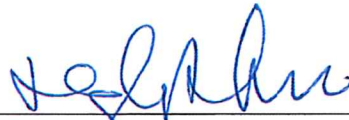
Notary Public

My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



By: Douglas Ahern
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



Notary Public

My Commission Expires: 21 May 21



Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

Don D. Cooper
Thomas Brady
Kevin J. Porter
Jon Honea
Floyd Greenwood
Alexander Priscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jon Honea, Floyd Greenwood and Alexander Priscoll

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Property Address: Parcel D, Fleming Avenue, Andover, MA 01810

(Space Above this Line Reserved for Registry of Deeds)

TRAIL EASEMENT

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

A non-exclusive trail easement over and across those that certain parcel of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel D on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

The current location of the trail is the shaded area shown on the Easement Sketch Plan attached hereto as Exhibit A and incorporated herein. The Grantee shall have the right to relocate the trail and shall have the right to add additional pedestrians trails over Parcel D.

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts Parcel D; there is conveyed herewith the right to pass and repass and use Fleming Avenue for pedestrian and vehicular access to Parcel B, Parcel C, and Parcel D. There is also conveyed herewith the non-exclusive easement rights over Parcel B, Parcel C, and Parcel D for emergency maintenance of the stormwater basins including without limitation, both pedestrian and vehicular access.

The Trail Easement on Parcel D is conveyed subject to a non-exclusive public pedestrian access easement running across Parcel D and providing public access to Parcel E and to a non-exclusive access easement over Parcel D granted to Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the

provisions of Massachusetts General Laws, Chapter 40, Section 8C by instrument recorded herewith. The trail easement rights over and across Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

Said real property is hereby conveyed to Grantee under the provisions of Massachusetts General Laws Chapter 40, Section 8C to be managed and controlled by the Conservation Commission of the Town of Andover, Massachusetts for the promotion and development of the natural resources and for the protection of the watershed resources of the Town of Andover, Massachusetts.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



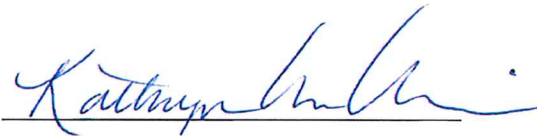
By: George Hughes

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



Notary Public

My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



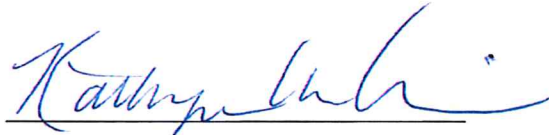
By: Douglas Ahern

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.

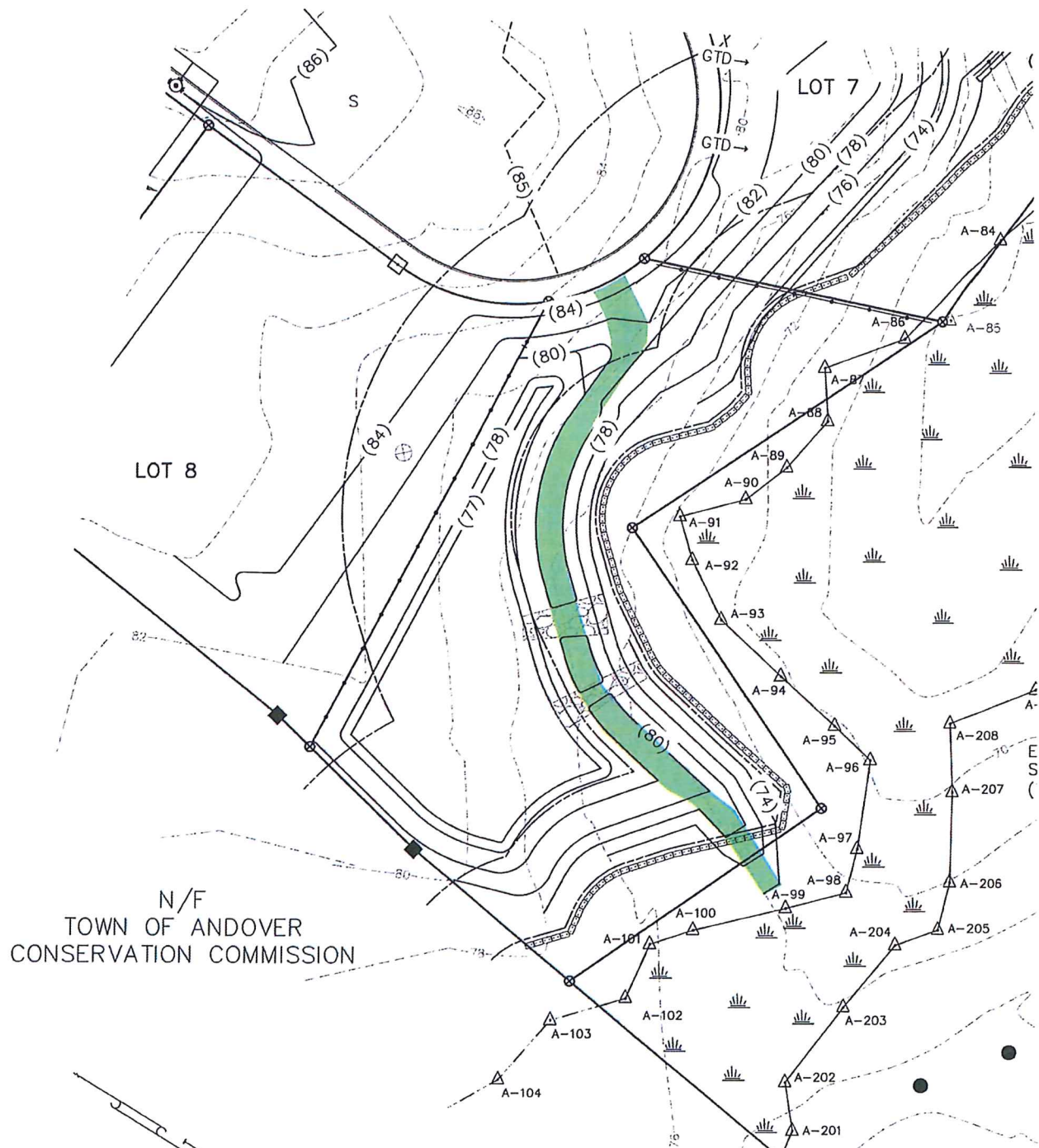


Notary Public

My Commission Expires: 21 May 21



EXHIBIT A



CONSERVATION PATH

FLEMING AVENUE ANDOVER, MASS.

PREPARED FOR: JEFFCO
DATE: MAY 24, 2018
SCALE: 1" = 20'



andover
consultants
inc.

1 East River Place
Methuen, Mass. 01844



Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

Donald D. Cooper
Thomas Brady
Kevin J. Porter
Jon Honea
Floyd Greenwood
Alexandra Priscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jon Honea, Floyd Greenwood and Alexandra Priscoll who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Office of the Collector of Taxes
(978) 623-8940



Municipal Lien Certificate
Town of Andover
Commonwealth of Massachusetts

Certificate No. 8770
Issuance Date: 10/10/2018

Requested By **LAW OFC OF KATHRYN M. MORIN, LLC**
68 MAIN ST, SUITE 5
ANDOVER MA 01810

I hereby certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 10/04/2018 are listed below.

DESCRIPTION OF PROPERTY

Location: 0 FLEMING AV	Deed Date: 11/02/2017	
Parcel ID: 018-1390-00000	Book/Page: 15284/69	Impr Value:
Owner: FLEMING AVENUE ANDOVER LLC	Land Area: 2.24 AC	Land Use: 132 UNDEVELOPABLE LAND
5 CANDIDA WY	Land Value: 23,000	Exemptions:
ANDOVER MA 01810	Build Value:	Taxable Value: 23,000

REAL ESTATE BILLS

YEAR 2019 CHARGES

RESIDENTIAL REAL ESTATE TAX 179.86

YEAR 2018 CHARGES

YEAR 2017 CHARGES

TOTAL BILLED			TOTAL BILLED			TOTAL BILLED		
Issue Date	Amount Billed	Balance Due	Issue Date	Amount Billed	Balance Due	Issue Date	Amount Billed	Balance Due
1 06/22/2018	89.93	.00	1	.00	.00	1	.00	.00
2 09/22/2018	89.93	-1.03	2	.00	.00	2	.00	.00
3 12/22/2018		.00	3	.00	.00	3	.00	.00
4 03/22/2019		.00	4	.00	.00	4	.00	.00
Charges/Fees		.00	Charges/Fees		.00	Charges/Fees		.00
Abatements/Exemptions		.00	Abatements/Exemptions		.00	Abatements/Exemptions		.00
Payments/Credits	180.89		Payments/Credits		.00	Payments/Credits		.00
Interest as of 10/10/2018		.00	Interest as of 10/10/2018		.00	Interest as of 10/10/2018		.00
BALANCE DUE AS OF 10/10/2018		.00	BALANCE DUE AS OF 10/10/2018		.00	BALANCE DUE AS OF 10/10/2018		.00

TAX TITLE

AMOUNT OUTSTANDING
0.00

INTEREST
0.00

TOTAL TAX TITLE BALANCE
0.00

DEFERRALS

DEFERRAL AMOUNT OUTSTANDING
0.00

OTHER UNPAID BALANCES

Type	Amount	Type	Amount
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GRAND TOTAL DUE:

GRAND TOTAL INTEREST PER DIEM:

WATER BALANCE DUE \$00.00 AS OF 10/10/18. INTEREST TO BE ADDED TO ALL PAST DUE AND TAX TITLE AMOUNTS.

Michael Morse
Treasurer/Collector

Office of the Collector of Taxes
(978) 623-8940



Municipal Lien Certificate
Town of Andover
Commonwealth of Massachusetts

Certificate No. 8769
Issuance Date: 10/10/2018

Requested By **LAW OFC OF KATHRYN M. MORIN, LLC**
68 MAIN ST, SUITE 5
ANDOVER MA 01810

I hereby certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on **10/04/2018** are listed below.

DESCRIPTION OF PROPERTY

Location: 0 FLEMING AV	Deed Date: 11/02/2017	
Parcel ID: 035-004A-00000	Book/Page: 15284/69	
Owner: FLEMING AVENUE ANDOVER LLC	Land Area: 3.83 AC	Impr Value:
5 CANDIDA WY	Land Value: 214,900	Land Use: 130 DEVELOPABLE LAND
ANDOVER MA 01810	Build Value:	Exemptions:
		Taxable Value: 214,900

REAL ESTATE BILLS

YEAR 2019 CHARGES		YEAR 2018 CHARGES		YEAR 2017 CHARGES	
RESIDENTIAL REAL ESTATE TAX	1,680.52	RESIDENTIAL REAL ESTATE TAX	5,642.91	RESIDENTIAL REAL ESTATE TAX	5,425.33

TOTAL BILLED 1,680.52			TOTAL BILLED 5,642.91			TOTAL BILLED 5,425.33		
Issue Date	Amount Billed	Balance Due	Issue Date	Amount Billed	Balance Due	Issue Date	Amount Billed	Balance Due
1 06/22/2018	840.26	.00	1 06/22/2017	1,356.34	.00	1 07/01/2016	1,283.79	.00
2 09/22/2018	840.26	-9.67	2 09/22/2017	1,356.33	.00	2 10/01/2016	1,283.78	.00
3 12/22/2018		.00	3 12/22/2017	1,465.12	.00	3 12/20/2016	1,428.88	.00
4 03/22/2019		.00	4 03/22/2018	1,465.12	.00	4 04/01/2017	1,428.88	.00
Charges/Fees		.00	Charges/Fees		.00	Charges/Fees		.00
Abatements/Exemptions		.00	Abatements/Exemptions		.00	Abatements/Exemptions		.00
Payments/Credits	1,690.19		Payments/Credits	5,642.91		Payments/Credits	5,425.33	
Interest as of 10/10/2018		.00	Interest as of 10/10/2018		.00	Interest as of 10/10/2018		.00
BALANCE DUE AS OF 10/10/2018		.00	BALANCE DUE AS OF 10/10/2018		.00	BALANCE DUE AS OF 10/10/2018		.00

TAX TITLE

AMOUNT OUTSTANDING	INTEREST	TOTAL TAX TITLE BALANCE
0.00	0.00	0.00

DEFERRALS

DEFERRAL AMOUNT OUTSTANDING
0.00

OTHER UNPAID BALANCES

Type	Amount	Type	Amount
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GRAND TOTAL DUE:

GRAND TOTAL INTEREST PER DIEM:

WATER BALANCE DUE \$00.00 AS OF 10/10/18. INTEREST TO BE ADDED TO ALL PAST DUE AND TAX TITLE AMOUNTS.

Michael Morse
Treasurer/Collector

Office of the Collector of Taxes
(978) 623-8940



Municipal Lien Certificate
Town of Andover
Commonwealth of Massachusetts

Certificate No. 8771
Issuance Date: 10/10/2018

Requested By **LAW OFC OF KATHRYN M. MORIN, LLC**
68 MAIN ST, SUITE 5
ANDOVER MA 01810

I hereby certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on **10/04/2018** are listed below.

DESCRIPTION OF PROPERTY

Location: 39 FLEMING AV	Deed Date: 11/02/2017	
Parcel ID: 035-004E-00000	Book/Page: 15284/69	
Owner: FLEMING AVENUE ANDOVER LLC	Land Area: 18,959 SF	Impr Value:
5 CANDIDA WY	Land Value: 115,100	Land Use: 131 POTENTIALLY DEVELOPABL
ANDOVER MA 01810	Build Value:	Exemptions:
		Taxable Value: 115,100

REAL ESTATE BILLS

YEAR 2019 CHARGES

RESIDENTIAL REAL ESTATE TAX 900.08

YEAR 2018 CHARGES

YEAR 2017 CHARGES

TOTAL BILLED 900.08			TOTAL BILLED			TOTAL BILLED		
Issue Date	Amount Billed	Balance Due	Issue Date	Amount Billed	Balance Due	Issue Date	Amount Billed	Balance Due
1 06/22/2018	450.04	.00	1	.00	.00	1	.00	.00
2 09/22/2018	450.04	-5.18	2	.00	.00	2	.00	.00
3 12/22/2018		.00	3	.00	.00	3	.00	.00
4 03/22/2019		.00	4	.00	.00	4	.00	.00
Charges/Fees		.00	Charges/Fees		.00	Charges/Fees		.00
Abatements/Exemptions		.00	Abatements/Exemptions		.00	Abatements/Exemptions		.00
Payments/Credits	905.26		Payments/Credits		.00	Payments/Credits		.00
Interest as of 10/10/2018		.00	Interest as of 10/10/2018		.00	Interest as of 10/10/2018		.00
BALANCE DUE AS OF 10/10/2018		.00	BALANCE DUE AS OF 10/10/2018		.00	BALANCE DUE AS OF 10/10/2018		.00

TAX TITLE

AMOUNT OUTSTANDING	INTEREST	TOTAL TAX TITLE BALANCE
0.00	0.00	0.00

DEFERRALS

DEFERRAL AMOUNT OUTSTANDING
0.00

OTHER UNPAID BALANCES

Type	Amount	Type	Amount
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GRAND TOTAL DUE:

GRAND TOTAL INTEREST PER DIEM:

WATER BALANCE DUE \$00.00 AS OF 10/10/18. INTEREST TO BE ADDED TO ALL PAST DUE AND TAX TITLE AMOUNTS.

Michael Morse
Treasurer/Collector

the law office of
Kathryn M. Morin, LLC

Kathryn M. Morin - MA, NH, ME
Bethany J. Raffa – MA, NH

October 11, 2018

TITLE CERTIFICATION

TO: Town of Andover
36 Bartlet Street
Andover, MA 01810

ADDRESS of PROPERTY: Public Access Easement over
Parcel B, C, and D
Located on Fleming Avenue
Andover, Essex County, Massachusetts

I certify that I have examined or caused to be examined the records of the Essex North District Registry of Deeds and the pertinent Probate Court Records, all as correctly indexed, which relate to the above property, which is a portion of the property described in a deed to Fleming Avenue Andover, LLC ("Deed") recorded with the Essex North District Registry of Deeds at Book 15284, Page 69, and which property is more particularly described in a proposed deed to the Inhabitants of the Town of Andover, a copy of which is attached hereto as Exhibit A ("Property").

I certify that Fleming Avenue Andover, LLC, holds good and sufficient record title free from all encumbrances to the Property excepting only those items enumerated below. Following recording of the documents listed below, and assuming no intervening liens, grants, or encumbrances, the Town of Andover will hold good and sufficient record title to:

- a. A Non-exclusive Public Access Easement over Parcel B, Parcel C, and Parcel D as Shown on Plan 17660.

The documents to be recorded are:

1. Certificate of Good Standing from the Massachusetts Secretary of State confirming good standing status of the grantor;
2. Partial Release of Mortgage from Lowell Five Cents Savings Bank relative to the Mortgage recorded at Book 15284, Page 75;

3. Partial Release of Assignment of Rents from Lowell Five Cents Savings Bank relative to the Assignment of Rents recorded at Book 15284, Page 84;
4. Partial Release of Mortgage from Lowell Five Cents Savings Bank relative to the Mortgage recorded at Book 15284, Page 90;
5. Partial Release of Assignment of Rents from Lowell Five Cents Savings Bank relative to the Assignment of Rents recorded at Book 15284, Page 99;
6. Easement Deed in the form attached as Exhibit A, properly executed, acknowledged, delivered, and accepted;
7. Quitclaim Deed relative to Parcel E and Parcel F to the Town of Andover to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, in the form attached as Exhibit B, properly executed, acknowledged, delivered, and accepted; and
8. Trail Easement Deed over a portion of Parcel D to the Town of Andover to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, in the form attached as Exhibit C, properly executed, acknowledged, delivered, and accepted.

This certification is subject to:

General Exceptions

1. Matters not of record in said Registries of Deeds and Probate as indexed, including without limitation, those encumbrances referred to in GL c. 185 §46;
2. Real estate taxes which are not yet due and payable and other real estate taxes and other municipal assessments and liens which are not a matter of record in said Registry of Deeds and any matters which should have been shown on any Certificate of Municipal Liens issued in connection with this transaction;
3. Any matter of bankruptcy or insolvency, or other debtor relief, that does not clearly appear in the indices at the said Registry of Deeds;
4. Any law, ordinance, bylaw, or other governmental regulation affecting, restricting, prohibiting, or otherwise regulating the occupancy, use or enjoyment of the Property, the character, dimensions, or location of any present or future improvement now existing or hereafter planned for the Property, or a separation in

ownership or change in dimensions or area of the Property(including, without limitation, Zoning Laws, State and Local Building Code, Wetlands Protection Act, local Conservation Codes, Subdivision Control Laws, Lead Paint Laws, health laws, sewage disposal laws, historic district, and pollution control laws);

5. The records searched include the records of the relevant but abolished County Registry of Deeds and the records of the state transferee agency having custody of land records for the municipality in which the property is located to the end date and time covered by this certification as noted elsewhere herein.

Special Exceptions

6. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of all adjacent streets and ways.
7. Sewer easement as further described in deed of the Town of Andover to American Woolen Company, dated July 24, 1925 and recorded with Essex North District Registry of Deeds in Book 502, Page 516, as affected by Abandonment of Easement by the Town of Andover, dated June 12, 2017, and recorded with Essex North District Registry of Deeds in Book 15113, Page 197.
8. Restriction by the Andover Planning Board and Raytheon Company, dated March 16, 1964, and recorded with Essex North District Registry of Deeds in Book 1006, Page 286.
9. Notice of Variance issued by the Andover Board of Appeals to Shetland Properties/Andover, dated July 2, 1971 and recorded with Essex North District Registry of Deeds in Book 1183, Page 572.
10. Notice of Variance issued by the Andover Board of Appeals to Shetland Properties, dated February 2, 1973 and recorded with Essex North District Registry of Deeds in Book 1212, Page 698.
11. Terms and Conditions of Appurtenant Easement from James F. Keating to New Brickstone Office, LLC, dated June 17, 2016 and recorded with Essex North District Registry of Deeds in Book 14674, Page 252.
12. Decision of the Andover Planning Board granting special permit for disturbance of slopes to New Brickstone Office, LLC, dated August 7, 2017 and recorded with Essex North District Registry of Deeds in Book 15220, Page 327.

13. Decision of the Andover Planning Board granting special permit for earth movement to New Brickstone Office, LLC, dated August 7, 2017 and recorded with Essex North District Registry of Deeds in Book 15220, Page 334.
14. Notice of Restriction imposed by the Andover Planning Board and New Brickstone Office, LLC, dated August 7, 2017 and recorded with Essex North District Registry of Deeds in Book 15220, Page 341.
15. Matters shown on Plan No. 558.
16. Matters shown on Plan No. 830.
17. Matters shown on Plan No. 2680.
18. Matters shown on Plan No. 4076.
19. Matters shown on Plan No. 4975.
20. Matters shown on Plan No. 17660.
21. Declaration of Fleming Avenue Subdivision Homeowners' Association dated November 30, 2017, recorded at Book 15331, Page 73.
22. By-laws of the Fleming Avenue Subdivision Homeowners' Association dated November 30, 2017, recorded at Book 15331, Page 79.
23. Easement to Massachusetts Electric Company dated April 9, 2018, recorded at Book 15444, Page 256.
24. Public Access Easement Rights over Parcel D to be created by recording of the easement document attached hereto as Exhibit C.

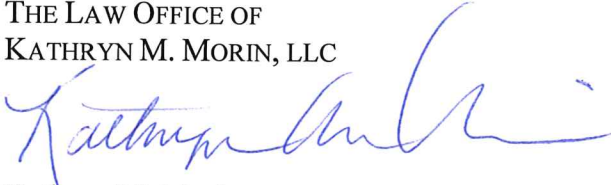
NOTE: While technically not affecting title, it is noted that the records at the relevant Registry of Deeds reveal the following matter as affecting the Property or portions thereof:

25. Order of Conditions (MassDEP File # 090-1280) dated August 4, 2017, recorded at Book 15281, Page 14.

My examination of title was confined to the Indices of said Registry of Deeds and to the documents noted in said Indices as affecting the premises. The examination covered a period of at least fifty (50) years with the earliest instrument a warranty or quitclaim deed, which on its face does not suggest a defect in said title, and ended on October 10, 2018, at 1:12 p.m., instrument number 24851.

LIMITATION: The foregoing Certification of Title is specifically addressed to the Town of Andover and relates only to the Property herein described. This Certification is not intended for the benefit of any other party and may be relied upon by no party other than that to whom it is addressed. Liability hereunder is limited to the fair market value of the Property described herein.

THE LAW OFFICE OF
KATHRYN M. MORIN, LLC



Kathryn M. Morin
KMM/i

Exhibit A – Public Access Easement to Inhabitants of the Town of Andover
Exhibit B – Deed for Parcel E and Parcel F
Exhibit C – Trail Easement Deed with attached Sketch Plan

Exhibit A

(Space Above this Line Reserved for Registry of Deeds)

EASEMENT

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, c/o Conservation Commission, Town of Andover, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

A non-exclusive pedestrian-only public access easement over and across those three certain parcels of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel B, Parcel C, and Parcel D on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts the parcels hereby conveyed; there is conveyed herewith the right to pass and repass and use Fleming Avenue for access to Parcel B, Parcel C, and Parcel D.

The purpose of the easement hereby created is to provide pedestrian-only access to Parcel E as shown on the Plan. Parcel B, Parcel C, and Parcel D are subject to a non-exclusive access easement for the benefit of the Town of Andover, acting by and through its Conservation Commission, pursuant to a deed recorded herewith and hereafter, which rights are specifically reserved to the Grantor. Parcel D shall be subject to a Trail Easement to be recorded hereafter, which Trail Easement rights are hereby specifically reserved. The access easement rights over and across Parcel B, Parcel C, and Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

Property Address: Parcels B, C and D, Fleming Avenue, Andover, MA 01810

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

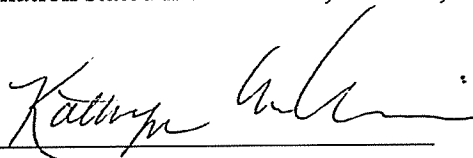
Fleming Avenue Andover, LLC


By: George Hughes
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



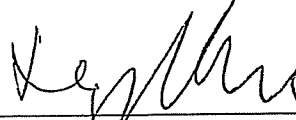
Notary Public

My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



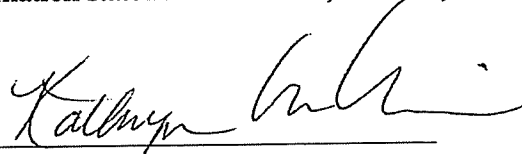
By: Douglas Ahern

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

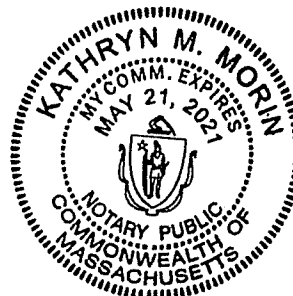
ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



Notary Public

My Commission Expires: 21 May 21



Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

D. D. Cooper
Lee E. Z...
Kevin J. Porter
Floyd Greenwood
Alexandra Driscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jan Honea, Floyd Greenwood and Alexandra Driscoll

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Exhibit B

(Space Above this Line Reserved for Registry of Deeds)

QUITCLAIM DEED

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

Those two certain parcels of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel E and Parcel F on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

Parcel E contains 167,008 SF (3.834 acres) of land according to the Plan.

Parcel F contains 97,366 SF (2.235 acres) of land according to the Plan.

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts the parcels hereby conveyed; there is conveyed herewith the right to pass and repass and use Fleming Avenue for access to Parcel E and Parcel F.

There is conveyed herewith a non-exclusive access easement to Parcel E over and across Parcel B, Parcel C, and Parcel D as shown on the Plan. Parcel B, Parcel C, and Parcel D are subject to a public pedestrian access easement recorded herewith and prior hereto. Parcel D shall be subject to a Trail Easement to be recorded immediately hereafter. The access easement rights over and across Parcel B, Parcel C, and Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

Property Address: Parcels E and F, Fleming Avenue, Andover, MA 01810

Said real property is hereby conveyed to Grantee under the provisions of Massachusetts General Laws Chapter 40, Section 8C to be managed and controlled by the Conservation Commission of the Town of Andover, Massachusetts for the promotion and development of the natural resources and for the protection of the watershed resources of the Town of Andover, Massachusetts.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.


This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

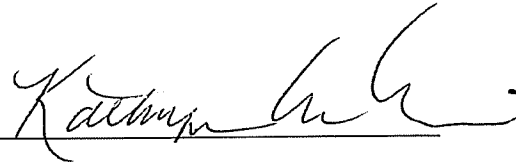
Fleming Avenue Andover, LLC


By: George Hughes
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



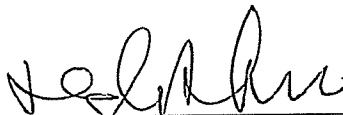
Notary Public

My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC

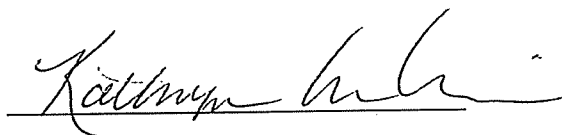


By: Douglas Ahern
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



Notary Public
My Commission Expires: 21 May 21



Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

Don D. Cooper
Lee E. 228

Kevin J. Porter

Floyd Greenwood
Alexandra Driscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jon Honea, Floyd Greenwood and Alexandra Driscoll

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:

Notary Public

My commission expires:

EXHIBIT C

(Space Above this Line Reserved for Registry of Deeds)

TRAIL EASEMENT

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

A non-exclusive trail easement over and across those that certain parcel of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel D on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

The current location of the trail is the shaded area shown on the Easement Sketch Plan attached hereto as Exhibit A and incorporated herein. The Grantee shall have the right to relocate the trail and shall have the right to add additional pedestrians trails over Parcel D.

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts Parcel D; there is conveyed herewith the right to pass and repass and use Fleming Avenue for pedestrian and vehicular access to Parcel B, Parcel C, and Parcel D. There is also conveyed herewith the non-exclusive easement rights over Parcel B, Parcel C, and Parcel D for emergency maintenance of the stormwater basins including without limitation, both pedestrian and vehicular access.

The Trail Easement on Parcel D is conveyed subject to a non-exclusive public pedestrian access easement running across Parcel D and providing public access to Parcel E and to a non-exclusive access easement over Parcel D granted to Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the

Property Address: Parcel D, Fleming Avenue, Andover, MA 01810

provisions of Massachusetts General Laws, Chapter 40, Section 8C by instrument recorded herewith. The trail easement rights over and across Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

Said real property is hereby conveyed to Grantee under the provisions of Massachusetts General Laws Chapter 40, Section 8C to be managed and controlled by the Conservation Commission of the Town of Andover, Massachusetts for the promotion and development of the natural resources and for the protection of the watershed resources of the Town of Andover, Massachusetts.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

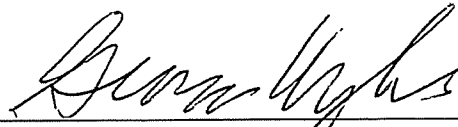
This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



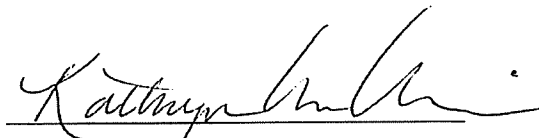
By: George Hughes

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

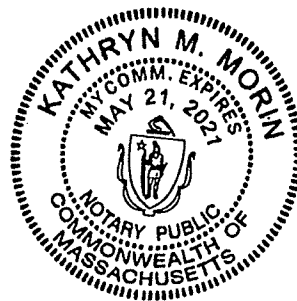
ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



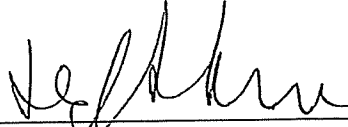
Notary Public

My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



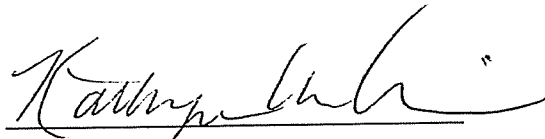
By: Douglas Ahern

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.

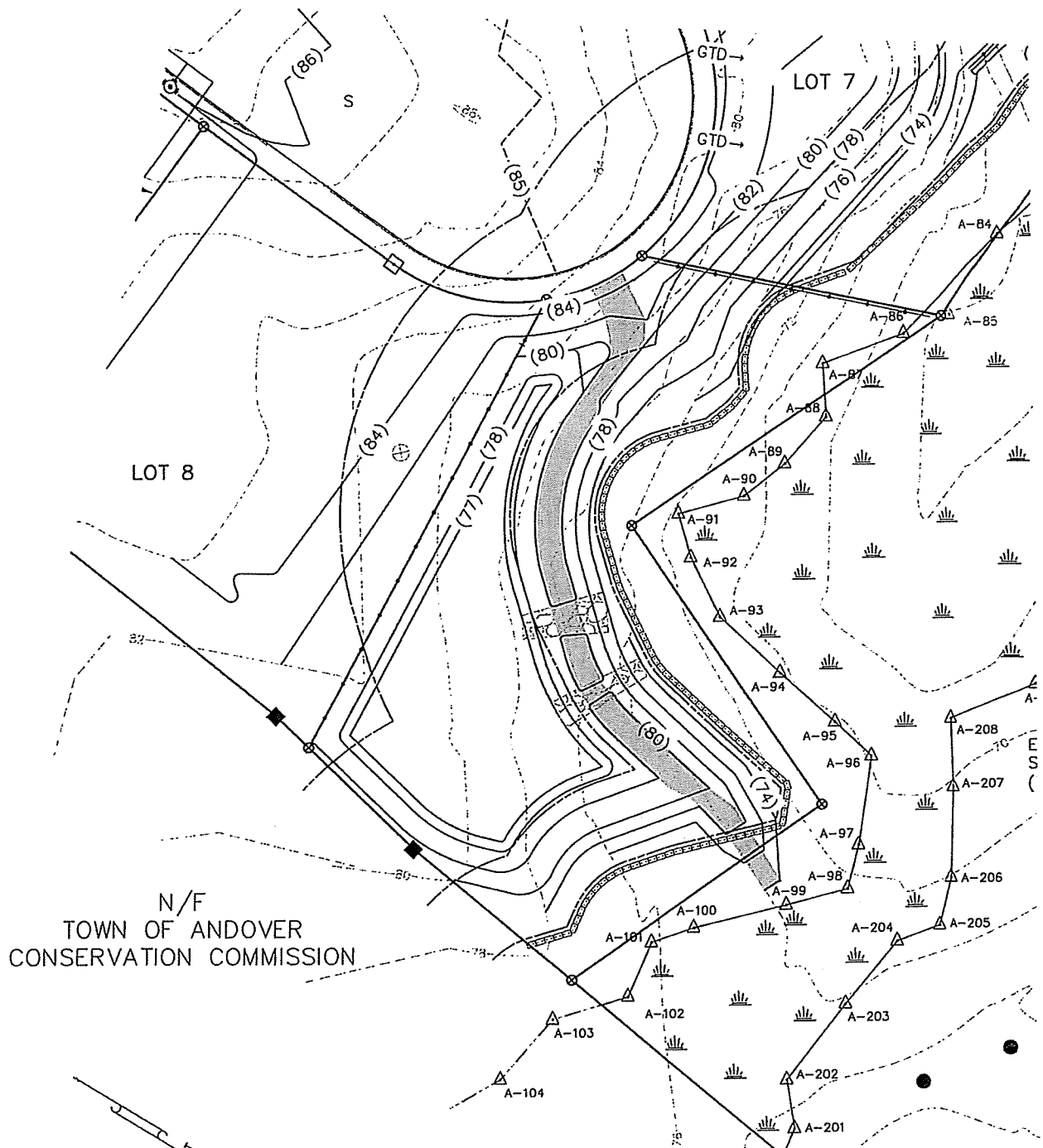


Notary Public

My Commission Expires: 21 May 21



EXHIBIT A



Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

Donald D. Cooper
Thomas Brady
Kevin J. Porter
Jon Honea
Floyd Greenwood
Alexandra Priscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jon Honea, Floyd Greenwood and Alexandra Priscoll who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

the law office of
Kathryn M. Morin, LLC

Kathryn M. Morin - MA, NH, ME
Bethany J. Raffa – MA, NH

October 11, 2018

TITLE CERTIFICATION

TO: Town of Andover
36 Bartlet Street
Andover, MA 01810

ADDRESS of PROPERTY: Fee in Parcel E and Parcel F
Trail Easement over a portion of Parcel D
Located on Fleming Avenue
Andover, Essex County, Massachusetts

I certify that I have examined or caused to be examined the records of the Essex North District Registry of Deeds and the pertinent Probate Court Records, all as correctly indexed, which relate to the above property, which is a portion of the property described in a deed to Fleming Avenue Andover, LLC ("Deed") recorded with the Essex North District Registry of Deeds at Book 15284, Page 69, and which property is more particularly described in two proposed deeds to Town of Andover to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, copies of which is attached hereto as Exhibit A (Parcel E and Parcel F Deed) and Exhibit B (Trail Easement Deed) (collectively, "Property").

I certify that Fleming Avenue Andover, LLC, holds good and sufficient record title free from all encumbrances to the Property excepting only those items enumerated below. Following recording of the documents listed below, and assuming no intervening liens, grants, or encumbrances, the Town of Andover will hold good and sufficient record title to:

- a. The fee in Parcel E and Parcel F as shown on Plan 17660; and
- b. The trail easement described in Exhibit B.

The documents to be recorded are:

1. Certificate of Good Standing from the Massachusetts Secretary of State confirming good standing status of the grantor;

2. Partial Release of Mortgage from Lowell Five Cents Savings Bank relative to the Mortgage recorded at Book 15284, Page 75;
3. Partial Release of Assignment of Rents from Lowell Five Cents Savings Bank relative to the Assignment of Rents recorded at Book 15284, Page 84;
4. Partial Release of Mortgage from Lowell Five Cents Savings Bank relative to the Mortgage recorded at Book 15284, Page 90;
5. Partial Release of Assignment of Rents from Lowell Five Cents Savings Bank relative to the Assignment of Rents recorded at Book 15284, Page 99;
6. Quitclaim Deed in the form attached as Exhibit A, properly executed, acknowledged, delivered, and accepted;
7. Trail Easement Deed in the form attached as Exhibit B, properly executed, acknowledged, delivered, and accepted; and
8. Easement Deed to the Inhabitants of the Town of Andover creating a public access easement over Parcel D and other land, the form of which is attached hereto as Exhibit C.

This certification is subject to:

General Exceptions

1. Matters not of record in said Registries of Deeds and Probate as indexed, including without limitation, those encumbrances referred to in GL c. 185 §46;
2. Real estate taxes which are not yet due and payable and other real estate taxes and other municipal assessments and liens which are not a matter of record in said Registry of Deeds and any matters which should have been shown on any Certificate of Municipal Liens issued in connection with this transaction;
3. Any matter of bankruptcy or insolvency, or other debtor relief, that does not clearly appear in the indices at the said Registry of Deeds;
4. Any law, ordinance, bylaw, or other governmental regulation affecting, restricting, prohibiting, or otherwise regulating the occupancy, use or enjoyment of the Property, the character, dimensions, or location of any present or future improvement now existing or hereafter planned for the Property, or a separation in ownership or change in dimensions or area of the Property(including, without limitation, Zoning Laws, State and Local Building Code, Wetlands Protection Act,

local Conservation Codes, Subdivision Control Laws, Lead Paint Laws, health laws, sewage disposal laws, historic district, and pollution control laws);

5. The records searched include the records of the relevant but abolished County Registry of Deeds and the records of the state transferee agency having custody of land records for the municipality in which the property is located to the end date and time covered by this certification as noted elsewhere herein.

Special Exceptions

6. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of all adjacent streets and ways.
7. Sewer easement as further described in deed of the Town of Andover to American Woolen Company, dated July 24, 1925 and recorded with Essex North District Registry of Deeds in Book 502, Page 516, as affected by Abandonment of Easement by the Town of Andover, dated June 12, 2017, and recorded with Essex North District Registry of Deeds in Book 15113, Page 197.
8. Restriction by the Andover Planning Board and Raytheon Company, dated March 16, 1964, and recorded with Essex North District Registry of Deeds in Book 1006, Page 286.
9. Notice of Variance issued by the Andover Board of Appeals to Shetland Properties/Andover, dated July 2, 1971 and recorded with Essex North District Registry of Deeds in Book 1183, Page 572.
10. Notice of Variance issued by the Andover Board of Appeals to Shetland Properties, dated February 2, 1973 and recorded with Essex North District Registry of Deeds in Book 1212, Page 698.
11. Terms and Conditions of Appurtenant Easement from James F. Keating to New Brickstone Office, LLC, dated June 17, 2016 and recorded with Essex North District Registry of Deeds in Book 14674, Page 252.
12. Decision of the Andover Planning Board granting special permit for disturbance of slopes to New Brickstone Office, LLC, dated August 7, 2017 and recorded with Essex North District Registry of Deeds in Book 15220, Page 327.
13. Decision of the Andover Planning Board granting special permit for earth movement to New Brickstone Office, LLC, dated August 7, 2017 and recorded with Essex North District Registry of Deeds in Book 15220, Page 334.

14. Notice of Restriction imposed by the Andover Planning Board and New Brickstone Office, LLC, dated August 7, 2017 and recorded with Essex North District Registry of Deeds in Book 15220, Page 341.
15. Matters shown on Plan No. 558.
16. Matters shown on Plan No. 830.
17. Matters shown on Plan No. 2680.
18. Matters shown on Plan No. 4076.
19. Matters shown on Plan No. 4975.
20. Matters shown on Plan No. 17660.
21. Declaration of Fleming Avenue Subdivision Homeowners' Association dated November 30, 2017, recorded at Book 15331, Page 73.
22. By-laws of the Fleming Avenue Subdivision Homeowners' Association dated November 30, 2017, recorded at Book 15331, Page 79.
23. Easement to Massachusetts Electric Company dated April 9, 2018, recorded at Book 15444, Page 256.
24. Public Access Easement Rights over Parcel D to be created by recording of the easement document attached hereto as Exhibit C.

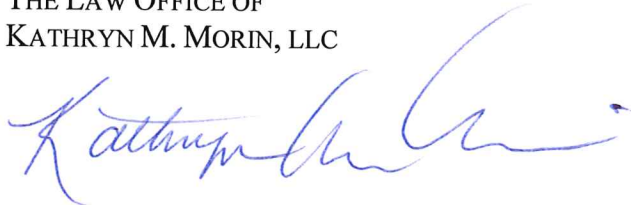
NOTE: While technically not affecting title, it is noted that the records at the relevant Registry of Deeds reveal the following matter as affecting the Property or portions thereof:

25. Order of Conditions (MassDEP File # 090-1280) dated August 4, 2017, recorded at Book 15281, Page 14.

My examination of title was confined to the Indices of said Registry of Deeds and to the documents noted in said Indices as affecting the premises. The examination covered a period of at least fifty (50) years with the earliest instrument a warranty or quitclaim deed, which on its face does not suggest a defect in said title, and ended on October 10, 2018, at 1:12 p.m., instrument number 24851.

LIMITATION: The foregoing Certification of Title is specifically addressed to the Town of Andover and relates only to the Property herein described. This Certification is not intended for the benefit of any other party and may be relied upon by no party other than that to whom it is addressed. Liability hereunder is limited to the fair market value of the Property described herein.

THE LAW OFFICE OF
KATHRYN M. MORIN, LLC



Kathryn M. Morin
KMM/i

- Exhibit A – Deed for Parcel E and Parcel F
- Exhibit B – Trail Easement Deed with attached Sketch Plan
- Exhibit C – Public Access Easement to Inhabitants of the Town of Andover

(Space Above this Line Reserved for Registry of Deeds)

QUITCLAIM DEED

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

Those two certain parcels of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel E and Parcel F on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

Parcel E contains 167,008 SF (3.834 acres) of land according to the Plan.

Parcel F contains 97,366 SF (2.235 acres) of land according to the Plan.

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts the parcels hereby conveyed; there is conveyed herewith the right to pass and repass and use Fleming Avenue for access to Parcel E and Parcel F.

There is conveyed herewith a non-exclusive access easement to Parcel E over and across Parcel B, Parcel C, and Parcel D as shown on the Plan. Parcel B, Parcel C, and Parcel D are subject to a public pedestrian access easement recorded herewith and prior hereto. Parcel D shall be subject to a Trail Easement to be recorded immediately hereafter. The access easement rights over and across Parcel B, Parcel C, and Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

Said real property is hereby conveyed to Grantee under the provisions of Massachusetts General Laws Chapter 40, Section 8C to be managed and controlled by the Conservation Commission of the Town of Andover, Massachusetts for the promotion and development of the natural resources and for the protection of the watershed resources of the Town of Andover, Massachusetts.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.


This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

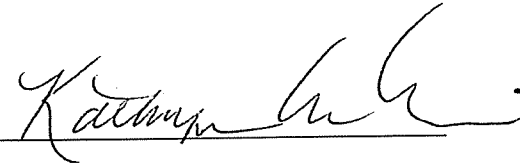
Fleming Avenue Andover, LLC


By: George Hughes
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

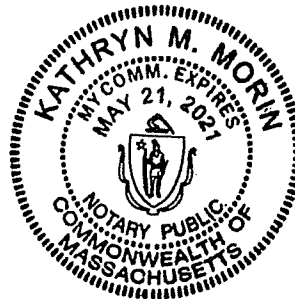
ESSEX, ss.

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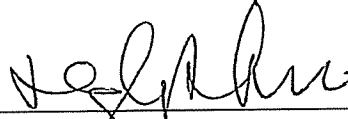
Notary Public

My Commission Expires: 21 May 21



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Fleming Avenue Andover, LLC



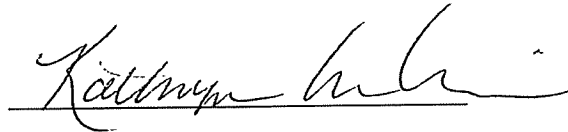
By: Douglas Ahern

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

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Notary Public

My Commission Expires: 21 May 21



Acceptance by Andover Conservation Commission

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Don D. Cooper
CE 228

Kevin J. Porter

Floyd Greenwood
Alexander Priscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

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who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

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COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Exhibit B

(Space Above this Line Reserved for Registry of Deeds)

TRAIL EASEMENT

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

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with Quitclaim Covenants

A non-exclusive trail easement over and across those that certain parcel of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel D on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

The current location of the trail is the shaded area shown on the Easement Sketch Plan attached hereto as Exhibit A and incorporated herein. The Grantee shall have the right to relocate the trail and shall have the right to add additional pedestrians trails over Parcel D.

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts Parcel D; there is conveyed herewith the right to pass and repass and use Fleming Avenue for pedestrian and vehicular access to Parcel B, Parcel C, and Parcel D. There is also conveyed herewith the non-exclusive easement rights over Parcel B, Parcel C, and Parcel D for emergency maintenance of the stormwater basins including without limitation, both pedestrian and vehicular access.

The Trail Easement on Parcel D is conveyed subject to a non-exclusive public pedestrian access easement running across Parcel D and providing public access to Parcel E and to a non-exclusive access easement over Parcel D granted to Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the

Property Address: Parcel D, Fleming Avenue, Andover, MA 01810

provisions of Massachusetts General Laws, Chapter 40, Section 8C by instrument recorded herewith. The trail easement rights over and across Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

Said real property is hereby conveyed to Grantee under the provisions of Massachusetts General Laws Chapter 40, Section 8C to be managed and controlled by the Conservation Commission of the Town of Andover, Massachusetts for the promotion and development of the natural resources and for the protection of the watershed resources of the Town of Andover, Massachusetts.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

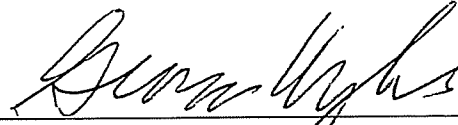
This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



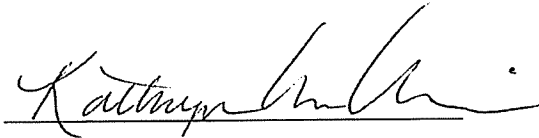
By: George Hughes

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



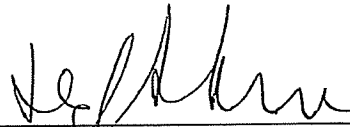
Notary Public

My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



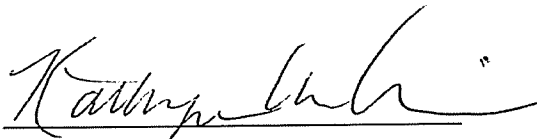
By: Douglas Ahern

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.

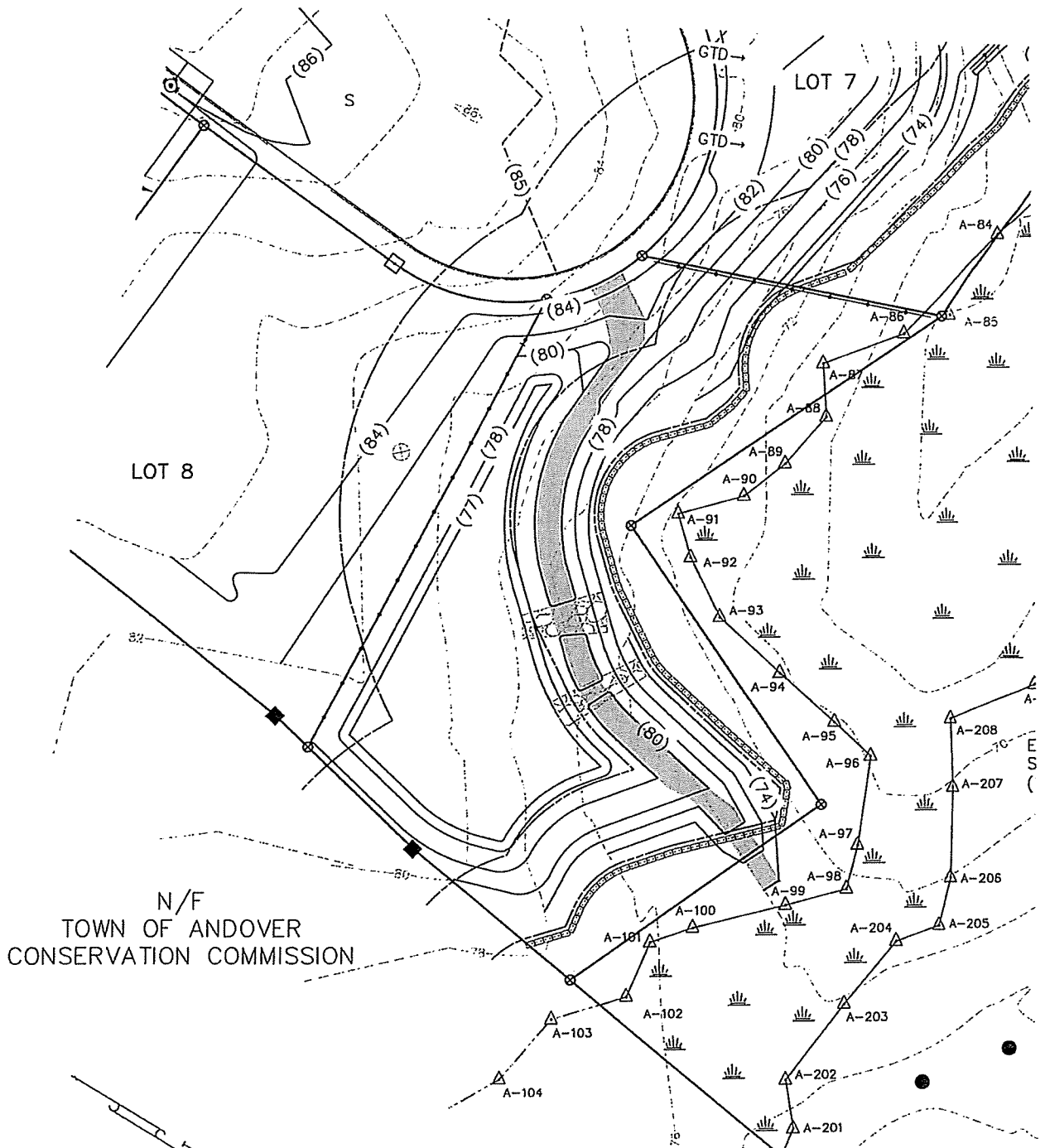


Notary Public

My Commission Expires: 21 May 21



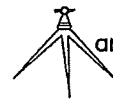
EXHIBIT A



CONSERVATION PATH

FLEMING AVENUE
ANDOVER, MASS.

PREPARED FOR: JEFFCO
DATE: MAY 24, 2018
SCALE: 1"=20'



andover
consultants
inc.

1 East River Place
Methuen, Mass. 01844

0 20 40 60 80 Ft.
0 5 10 20 Meter

Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

Donald D. Cooper
Thomas Brady
Kevin J. Porter
Jon Honea
Floyd Greenwood
Alexandra Priscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jon Honea, Floyd Greenwood and Alexandra Priscoll who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Exhibit C

(Space Above this Line Reserved for Registry of Deeds)

EASEMENT

Fleming Avenue Andover, LLC, a Massachusetts limited liability company having a mailing address of 77 Main Street, Andover, Massachusetts 01810

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, c/o Conservation Commission, Town of Andover, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

A non-exclusive pedestrian-only public access easement over and across those three certain parcels of land located on Fleming Avenue, in Andover, Essex County, Massachusetts being shown as Parcel B, Parcel C, and Parcel D on a plan of land entitled, "Definitive Subdivision Plan Fleming Avenue Andover, Mass." Prepared for: New Brickstone Office, LLC, Date: September 26, 2016, Rev: November 03, 2016, Scale: 1" = 40', prepared by Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17660 ("Plan").

There is reserved unto the Grantor the fee interest in Fleming Avenue as it abuts the parcels hereby conveyed; there is conveyed herewith the right to pass and repass and use Fleming Avenue for access to Parcel B, Parcel C, and Parcel D.

The purpose of the easement hereby created is to provide pedestrian-only access to Parcel E as shown on the Plan. Parcel B, Parcel C, and Parcel D are subject to a non-exclusive access easement for the benefit of the Town of Andover, acting by and through its Conservation Commission, pursuant to a deed recorded herewith and hereafter, which rights are specifically reserved to the Grantor. Parcel D shall be subject to a Trail Easement to be recorded hereafter, which Trail Easement rights are hereby specifically reserved. The access easement rights over and across Parcel B, Parcel C, and Parcel D hereby created shall be exercised in common with an Access and Utility Easement to the Town of Andover to be created in the future, which Access and Utility Easement rights are specifically hereby reserved.

The premises hereby conveyed are a portion of the same premises described in deed to grantor, recorded in the Essex North District Registry of Deeds at Book 15284, Page 69.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. This is not homestead property.

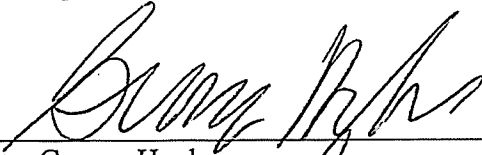
This is a conveyance in the ordinary course of business and is not in contravention of the filed Certificate of Organization for the Limited Liability Company, as it may be amended. Neither this instrument nor any other record at the Registry of Deeds discloses anything in contravention of the laws of the Commonwealth of Massachusetts as it relates to this grantor and the grantor limited liability company appears from the records of the Commonwealth of Massachusetts Office of the Secretary of State to exist.

By executing this Certificate, the undersigned further certify that they are named in the Operating Agreement and Certificate of Organization as the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described above on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

End of Text
Signature Page Follows

Signed as a sealed instrument this 17th day of September, 2018.

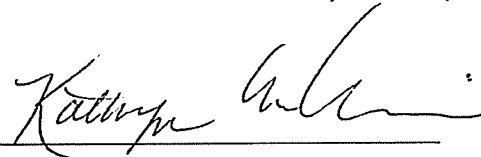
Fleming Avenue Andover, LLC


By: George Hughes
Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared George Hughes, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.

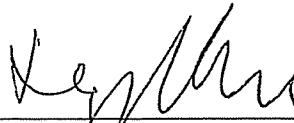


Notary Public
My Commission Expires: 21 May 21



Signed as a sealed instrument this 17th day of September, 2018.

Fleming Avenue Andover, LLC



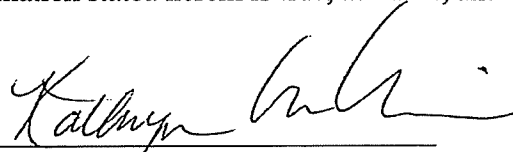
By: Douglas Ahern

Its: Manager / Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

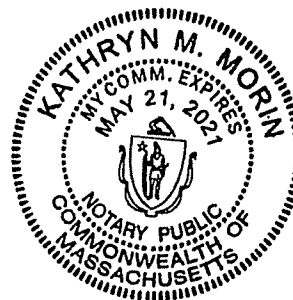
ESSEX, ss.

On this 17th day of September, 2018, before me, the undersigned notary public, personally appeared Douglas Ahern, manager and real estate signatory of Fleming Avenue Andover, LLC who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that he has the authority to sign in that capacity, and that this instrument is executed as the free act and deed of the grantor LLC, and who swore or affirmed the information stated herein is true, accurate, and complete.



Notary Public

My Commission Expires: 21 May 21



Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

D. D. Cooper
Thomas Brady
Kevin J. Porter
Floyd Greenwood
Alexandra Driscoll

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Donald D. Cooper, Thomas Brady, Kevin J. Porter, Jon Honea, Floyd Greenwood and Alexandra Driscoll

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, & ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Lynn M. Viselli
Name: Lynn M. Viselli
Notary Public
My commission expires: 8/15/25

Acceptance by Andover Board of Selectmen

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires: